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# COUNTY OF LOS ANGELES DEPARTMENT OF CONSUMER AND BUSINESS AFFAIRS

*"To Enrich Lives Through Effective and Caring Service"*



Joseph M. Nicchitta  
Director

Joel Ayala  
Chief Deputy

Rafael Carbajal  
Chief Deputy

## Hearing Officer/Department of Consumer & Business Affairs

Hearing Date  
02/13/2020  
Agenda Item No.  
5

## Transmittal Checklist

Petitioner Name: Eliazar Valente  
Case Number: RSQ19-14821  
Case(s): IRSO Petition for Noncompliance  
DCBA Staff: Shannon Louis

- ☒ Petition Summary
- ☒ Parcel Profile Report (separate attachment)
- ☒ Staff Report
- ☒ Burden of Proof Statement(s)
- ☒ Rent Receipt(s) (separate attachment)
- ☒ Reduction in Services Receipts

Reviewed By: Dana Pratt



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**Case Number**  
RSQ19-14821

**Hearing Date**  
2/13/2020

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## PETITION SUMMARY

**PETITIONER NAME**

Eliazar Valente

**PETITION DATE**

December 13, 2019

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### PETITION OVERVIEW

Petitioner has filed a Petition for Noncompliance, requesting a reduction in rent in accordance with the Interim Rent Stabilization Ordinance, Ordinance Number 2018-0045. The Petitioners' rent increase became effective on October 1, 2019.

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### PROPERTY ADDRESS

1305 E. 71<sup>st</sup> Street Los Angeles, California 90001

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### KEY ISSUES

- Rent was increased from \$1,000.00 to \$1,050.00, effective October 1, 2019
- Total increase is in the amount of 5%
- Per the effective date of the rent increase, the October 2019 through February 2020 rent payments (5 months) will be due by the hearing date.

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### STAFF RECOMMENDATION

Approval – If Recommendation #1 is determined to be valid by the Hearing Officer

Denial – If Recommendation #2 is determined to be valid by the Hearing Officer

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**DCBA STAFF:**

Shannon Louis 213-974-4118 SLouis@dcba.lacounty.gov

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February 7, 2020

**TO:** Gina Natoli, AICP  
Hearing Officer

**FROM:** Shannon Louis

**Case No. RSQ19-14821**  
**Eliazar Valente vs. Virginia Salais**  
**Hearing Officer Meeting: November 7, 2019 – Agenda Item: 2**

### **Petition Description**

*Interim Rent Stabilization Ordinance(IRSO) Petition for Noncompliance*

Tenant Petitioner (Petitioner) is disputing a rent increase issued for the covered rental unit located at 1305 E. 71<sup>st</sup> Street Los Angeles, California 90001.

The Petitioner reported receiving a Notice of Rent Increase dated August 30, 2019 increasing the rent to \$1,050.00 – effective October 1, 2019. The Petitioner's base rent on September 11, 2018 was \$1,000.00 – which constitutes a \$50.00 (or 5%) rent increase. The Petitioner also reports receiving a 30 Day Notice of Change in Terms of Tenancy, on August 30, 2019, removing the ability to park in front of the house or driveway at the property – effective October 1, 2019. The Petitioner reports paying \$30.00 per month to park at another location and that this constitutes reduction in services. The reduction in services, combined with the rent increase, constitutes a cumulative rent increase of \$80.00 (or 8%) monthly. The Petition for Noncompliance was filed with the Department of Consumer & Business Affairs (DCBA) on December 13, 2019.

### **Use Type**

Multi-Family Residential; 0200

### **Year Built/Certificate of Occupancy (COO)**

1962

### **Previous Petitions/History**

N/A

### Staff Evaluation & Burden of Proof

DCBA has determined that the rental unit located at 1305 E. 71<sup>st</sup> Street Los Angeles, California 90001 is covered under the Los Angeles County Interim Rent Stabilization Ordinance (Ordinance No. 2018-0045) and is subject to its conditions.

The IRSO covers residential dwellings on properties with two or more units in the unincorporated areas of Los Angeles County with initial certificates of occupancy or equivalent issued on or before February 1, 1995. **Ordinance No. 2018-0045 Section 1(A) and Section 1(B).**

The IRSO limits rent increases to 3% once per 12-month period and applies to any rent increase taking effect on or after September 11, 2018. **Ordinance No. 2018-0045 Section 3(A).**

The IRSO regulates Housing Service Adjustments and indicates that a decrease in Housing Services can be considered an increase in Rent. Rent and Housing Services are defined in Section 2 of the IRSO. **Ordinance No. 2018-0045 Section 3(C).**

The rent increase in the amount of \$50.00 increased the Petitioner's rent from \$1,000.00 to \$1,050.00 (5%). According to the ordinance, the Petitioner's maximum allowable rent should be \$1,030.00. Additionally, the Petitioner's reports a reduction in services, constituting an additional \$30.00 rent increase, for a cumulative total of 8% in rent increases. If approved, and the Petitioner has paid the requested increase, the Respondent will need to credit the Petitioner for any overpayments above 3% that have occurred since the rent increase took effect. It should be noted that the Respondent has provided the Petitioner with an \$80.00 overpayment refund and agreed to set rent at \$1,030.00. This figure was calculated based on the Respondent paying \$1,050.00 through the months of October 2019 – January 2020. The Respondent disputes the provision of parking as an amenity and thus, did not credit or reduce the Petitioner's rent for any payments made toward offsite parking services. **Ordinance No. 2018-0045 Section 3(A)(1).**

### Overpayment Calculation #1 (With Reduction in Housing Service):

<b><i>Lump Sum Credit Option</i></b>	
<i>March 1, 2020</i>	<i>\$200.00</i>

<b><i>Six Month Credit Option</i></b>	
<i>March 1, 2020</i>	<i>\$33.35</i>
<i>April 1, 2020</i>	<i>\$33.33</i>
<i>May 1, 2020</i>	<i>\$33.33</i>
<i>June 1, 2020</i>	<i>\$33.33</i>
<i>July 1, 2020</i>	<i>\$33.33</i>
<i>August 1, 2020</i>	<i>\$33.33</i>

**Overpayment Calculation #2 (Without Reduction in Housing Service):**

<b><i>Lump Sum Credit Option</i></b>	
<i>March 1, 2020</i>	<i>\$80.00</i>

<b><i>Six Month Credit Option</i></b>	
<i>March 1, 2020</i>	<i>\$13.35</i>
<i>April 1, 2020</i>	<i>\$13.33</i>
<i>May 1, 2020</i>	<i>\$13.33</i>
<i>June 1, 2020</i>	<i>\$13.33</i>
<i>July 1, 2020</i>	<i>\$13.33</i>
<i>August 1, 2020</i>	<i>\$13.33</i>

**Proof of Service/Notice of Hearing**

The Petitioner, Eliazar Valente, returned the Proof of Service to DCBA on December 16, 2019. DCBA sent the Notice of Hearing on January 24, 2020.

**Public Comments**

N/A

**Fees/Deposits**

N/A

**Landlord Contact**

On January 28, 2020 DCBA counseled Landlord Respondent (Respondent) on their rights and responsibilities under Ordinance No. 2018-0045. The Respondent agreed to return the overpayment back to the Petitioner related to the rent increase in the amount of \$50.00, but disputes that parking was a housing service at the property. The Respondent also reports not having a written rental agreement with the Petitioner and states that the Petitioner was only allowed to park onsite occasionally, with permission. The Respondent also states never charging or receiving payment for parking onsite.

**Staff Recommendation**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Recommendation #1: Staff recommends APPROVAL of the Interim Rent Stabilization Ordinance Petition for Noncompliance – Case Number RSQ19-14821 under the following conditions:

- The Hearing Officer determines that parking was a service provided by the Respondent, resulting in a reduction in services for the Petitioner.
- The reduction in parking services constitutes a rent increase, as the Petitioner pays an additional \$30.00 (or 3%) per month for offsite parking.

- The total reduction in parking services, combined with the rent increase of \$50.00, constitutes an increase for the Petitioner above the allowable limit of 3%.
- The Respondent shall rescind the rent increase in accordance with the IRSO, and set rent at a maximum of \$1,000.00 monthly.
- The Respondent shall return all overpayments back to the Petitioner according to Overpayment Calculation #1.

Recommendation #2: Staff recommends DENIAL of the Interim Rent Stabilization Ordinance Petition for Noncompliance – Case Number RSQ19-14821 under the following conditions:

- The Hearing Officer determines that parking was not a service provided by the Respondent, and does not result in a reduction in services for the Petitioner.
- The Respondent may continue to charge the Petitioner \$1,030.00 monthly through October 2020, per the IRSO.
- The Respondent has returned all overpayments back to the Petitioner according to Overpayment Calculation #2.

## SUGGESTED STATEMENT

### Recommendation #1

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE INTERIM RENT STABILIZATION ORDINANCE PETITION FOR NONCOMPLIANCE – CASE NUMBER RSQ19-14821 IS **APPROVED**, SUBJECT TO THE ATTACHED CONDITIONS.

### Recommendation #2

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE INTERIM RENT STABILIZATION ORDINANCE PETITION FOR NONCOMPLIANCE – CASE NUMBER RSQ19-14821 IS **DENIED**, SUBJECT TO THE ATTACHED CONDITIONS.

## Suggested Statement

Prepared by Shannon Louis  
Reviewed by Dana Pratt

## Attachments

Initials JMN:DP:sl  
(2/7/20)

## BURDEN OF PROOF STATEMENT

DCBA Case # **RSQ19-14821**

### Section III: Reason for Petition (explain in detail why you are requesting a hearing)

Esta petición es por el aumento de  
renta del 8% de 3%.  
Y por reducción de servicios que el  
parking.

Current Rent:	Proposed Rent (If known): \$1000 — \$1050
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HAVE YOU RECEIVED OR ISSUED A NOTICE OF RENT INCREASE IN EXCESS OF THE ALLOWABLE LIMIT?

☒ Yes ☐ No

IS THIS MATTER URGENT?

☐ Yes ☐ No

REASON FOR URGENCY (must attach relevant documents in order to be considered):

mi hijo tiene asma y en tiempo  
de lluvia se me enferma con mas frecuencia.  
Y en ocasiones necesito llevarlo a la sala  
de emergencia. También la propietaria me  
a entregado 2 notas de desalojos de 60 días.

### Section IV: Respondent Information

Respondent Type: ☐ Tenant(s) ☐ Landlord ☐ Mobilehome Homeowner(s) ☐ Mobilehome Park Owner

Virginia V. Salas  
Respondent Name/Organization (Please list the names of each Tenant or Mobilehome Homeowner who received a copy of this  
petition below)

Dueña  
Respondent Title (Tenant, Landlord, Mobilehome Homeowner or Mobilehome Park Owner)